

**REMARKS**

This Request for Reconsideration is submitted in response to the official action dated September 1, 2009.

Claims 1-11, 49-63, 87-92, and 94-96 were pending in the application. In the official action, claims 1-11, 49-63, 87-92, and 94-96 were rejected. Claims 1-11, 49-63, and 87-92, and 94-96 thus remain for consideration.

Applicants submit that claims 1-11, 49-63, 87-92, and 94-96 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

**\$102 Rejections**

Claims 1-11, 49-63, 87-92, and 94-96 were rejected under 35 U.S.C. §102(b) as being anticipated by Daggar (U.S. Patent No. 5,748,737).

Applicants submit that independent claims 1, 11, and 49 are patentable over Daggar.

Applicants' invention as recited in claims 1, 11, and 49 is directed toward an apparatus and method for reproducing contents data which includes at least one of audio data and video data. Each of claims recites that "[a memory stores] at least one of information concerning a number of occurrences in which said contents is reproduced and information concerning an amount of time during which said contents is reproduced," and that "said information concerning a number of occurrences in which said contents is reproduced and/or said information concerning an amount of time during which said contents is reproduced [is] updated upon reproduction of contents." Supporting disclosure for the quoted recitations can be found in the specification at, for example, page 17, line 26 - page 18, line 14.

Daggar does not disclose the quoted recitations. Accordingly, Applicants believe that claims 1, 11, and 49 are

patentable over Daggar on at least this basis. More particularly, Daggar does not disclose the reproduction of audio data or video data, let alone the storage of information concerning a number of occurrences or amount of time in which audio data or video data is reproduced, and let alone updating such information.

The Examiner offers only a general assertion that Daggar discloses the quoted recitations, and provides no meaningful citations to the Daggar in support of his assertion. Rather, the Examiner cites to the entirety of Daggar's Abstract, Field of Invention, Background of Invention, Summary of Invention, and Description of the Preferred Embodiment in support of his assertion (see e.g., official action page 7, line 4 - page 8, line 20), which provides Applicants with no guidance for identifying the relevant portions of Daggar.

Nevertheless, Applicants note that the Examiner does provide meaningful citations in connection with his assertion that Daggar discloses the reproduction of audio data or video data. In particular, the Examiner cites the following portions in an attempt to support his assertion that Daggar discloses the reproduction of audio data or video data: col. 11, lines 22-28; column 13, line 65-col. 14, line 7; col. 8, lines 31-43; col. 7, line 32-col. 8, line 30; and col. 20, lines 11-19 (see e.g., official action page 4, lines 1-6).

However, the portions of Daggar cited by the Examiner in connection with his assertion that Daggar discloses the reproduction of audio data or video data do not disclose the reproduction of audio data or video data.

Regarding col. 11, lines 22-28, this portion discloses that a display may be employed and that voice recognition may be employed. No mention is made of reproducing video data for purposes of display, or of reproducing audio data as part of performing voice recognition.

Regarding col. 13, line 65-col. 14, line 7, this portion discloses that a "photo" could "be included on the generic multimedia card." No mention is made of reproducing video data.

Regarding col. 8, lines 31-43, this portion discloses that "digital card transactions" can be "performed using any telephone," and that multiple "media interfaces" may be provided. The portion is silent as to the reproduction of audio data or video data.

Regarding col. 7, line 32-col. 8, line 30, Applicants are unable to discern any mention of the reproduction of audio data or video data.

Regarding col. 20, lines 11-19, this portion discloses "payment via any media interface ... (e.g. payment displayed and communicated verbally ...)." However, there is no mention of the reproduction of audio data or video data in connection with such payment.

In view of the above, Applicants submit that Daggar does not disclose the reproduction of audio data or video data, let alone the storage of information concerning a number of occurrences or amount of time in which audio data or video data is reproduced, and let alone updating such information. Therefore, Applicants believe that claims 1, 11, and 49 are patentable over Daggar on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicants believe that dependent claims 2-10, 50-63, 87-92, and 94-96 are patentable over Daggar for at least the same reasons as discussed in connection with the independent claims.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or

if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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**Amendment per FOA 9-1-09.DOC**